

## County of San Luis Obispo



TO: Planning Commission

FROM: Planning and Building / Jay Johnson / 805-781-4573

DATE: 1/22/2015

SUBJECT: Hearing to consider a request by the County of San Luis Obispo to amend the Land Use Ordinance (Title 22 of the County Code), the Coastal Zone Land Use Ordinance (Title 23 of the County Code), and Table O of the Coastal Zone Framework for Planning of the Land Use Element and Local Coastal Program of the County General Plan to remove mini-storage warehouse facilities as an allowable use in the Residential Multi-Family land use category. Mini-storage warehouse facilities would remain allowable in the Commercial Service, Industrial and Public Facilities land use categories.

### **RECOMMENDATION**

Recommend to the Board of Supervisors approval of General Plan and Ordinance Amendment LRP2014-00007 as shown in Exhibits LRP20014-00007:B, C and D based on the findings listed in Exhibit A.

### **DISCUSSION**

The County's Housing Element is required to be updated every five years. It was recently updated in June 2014. The Housing Element contains several programs to implement the County's housing policies. The previous version of the Housing Element (2009-2014) contained *Program HE1.G – Revise Residential Development Standards*, which stated:

"Revise development standards for multi-family housing (including multi-family housing built at densities of 20-38 units/acre) and single family housing to encourage construction of well-designed communities. This program would include the prohibition of mini-storage in the Residential Multi-Family land use category."

[This program also contained several other potential revisions to multi-family development standards that are not part of this application.]

According to Program HE1.G:

"The primary purpose for revising multi-family standards is to reduce constraints to high density housing, with emphasis on locations where residents can use alternatives to private automobiles."

Mini-storage facilities are included in the County's land use definition for warehousing:

"Establishments primarily engaged in the storage of farm products, furniture, household goods, or other commercial goods of any nature for later distribution to wholesalers and retailers. Does not include warehouse facilities where the primary purpose of storage is for goods for wholesale distribution. Does not include terminal facilities for handling freight. Also includes warehouse, storage or mini-storage facilities offered for rent or lease to the general public."

Within the Residential Multi-Family (RMF) land use category, only mini-storage type warehousing is allowed. The key reason to remove mini-storage warehouse facilities as an allowable use in RMF categories is to lessen the competition for land zoned Residential Multi-Family and maximize the opportunity to develop housing in these areas. This is particularly important in areas in close proximity to shopping, services and transit. In Los Osos, for example, several mini-storage facilities have been developed on sites in the Residential Multi-family category, precluding the opportunity to develop

multi-family housing in those areas.

Under this proposed amendment, mini-storage warehouse facilities would remain allowable in the Commercial Service, Industrial and Public Facilities land use categories. This amendment would not preclude multi-family projects from including on-site storage space for residents as an accessory use or preclude existing facilities from continuing their operation, as previously approved, as legal non-conforming uses.

Implementing this amendment will require deleting "Warehousing, Wholesaling & Distribution" ("Warehousing" in the Coastal Zone) as an allowable use within the RMF land use category in the allowable use tables [Table 2-2 – Inland (Attachment 2) and Table "O" – Coastal Zone (Attachment 3)]. In addition, the standards for specific uses ("special uses" in the Coastal Zone Land Use Ordinance) will need to be amended, which includes deleting Section 22.30.640 (Inland) and revising Section 23.08.402 (Coastal Zone). Please see attachments 2 and 4.

#### Previous Planning Commission and Board of Supervisors Discussions

During the 2014 Update of the County's Housing Element, the Planning Commission, on May 22, 2014, discussed this potential amendment and recommended to the Board of Supervisors the updated Housing Element that contained a revised version of the program to delete mini-storage warehouse facilities in the RMF category (HE1.G). The revised program deleted the reference to mini-storage facilities in anticipation of this amendment occurring. Then on June 17, 2014, the Board of Supervisors also discussed this potential amendment during their hearing on the Housing Element update, and subsequently adopted the 2014-2019 Housing Element without the language about mini-storage facilities in anticipation of this amendment occurring.

#### **COMMUNITY ADVISORY GROUP COMMENTS**

The project was referred to all of the applicable Community Advisory Councils where Residential Multi-Family zoning is located in their advisory area. The only response came from the Templeton Area Advisory Group, who on November 20, 2014 voted 6-1 in support of the approval of LRP2014-00007.

#### OTHER AGENCY INVOLVEMENT/IMPACT

No agency responses were received.

#### ATTACHMENTS

1. Exhibit LRP-2014-00007:A - Findings
2. Exhibit LRP-2014-00007:B - Ordinance Amendment for Title 22
3. Exhibit LRP-2014-00007:C - Amendment to Table "O" of the CZLUE
4. Exhibit LRP-2014-00007:D - Ordinance Amendment for Title 23

**ATTACHMENT 1**  
**EXHIBIT LRP2014-00007:A**  
**Findings**

1. The proposed amendments are consistent with the Land Use Element and other adopted elements of the general plan because they will help lessen competition for land in the Residential Multi-family land use category that can be used for the construction of housing, consistent with a) Housing Element objectives to facilitate the development of new housing units and b) Land Use Element principles and policies, including the provision of multi-family housing near shopping, services and transit.
2. Under the proposed amendments, mini-storage warehouse facilities will remain allowable in the Commercial Service, Industrial and Public Facilities land use categories.
3. Under the proposed amendments, multi-family projects will not be precluded from including on-site storage space for residents as an accessory use.
4. Under the proposed amendments, existing mini-storage warehouse facilities may continue their operation, as previously approved, as legal non-conforming uses.
5. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

**ATTACHMENT 2**  
**EXHIBIT LRP2014-00007:B**  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE SAN LUIS OBISPO COUNTY LAND USE ORDINANCE,  
TITLE 22 OF THE COUNTY CODE, RELATIVE TO MINI-STORAGE WAREHOUSE  
FACILITIES IN THE RESIDENTIAL MULTI-FAMILY LAND USE CATEGORY

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

**SECTION 1:** Section 22.06.030, Table 2-2, Allowable Land Uses and Permit Requirements, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

**TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(12)	RL	RR	RS	RSF	RMF	
INDUSTRY, MANUFACTURING & PROCESSING USES							
Apparel Products							
Chemical Products Manufacturing							22.30.160
Corrosive, Toxic, Explosive & Gaseous Product							22.30.160
Concrete, Gypsum & Plaster Products	SP(6)	SP(6)					
Electronics, Equipment & Appliances							
Food and Beverage Products	A1(11)	A1(11)					
Furniture & Fixture Products, Cabinet Shops							
Glass Products							
Lumber & Wood Products							
Machinery Manufacturing							
Metal Industries, Fabricated							
Metal Industries, Primary							
Motor Vehicles & Transportation Equipment							
Paper Products							
Paving Materials	SP(6)	SP(6)					
Petroleum Refining & Related Industries							22.32.050
Plastics and Rubber Products							
Printing and Publishing							
Recycling - Collection stations	SP	SP	SP	SP		SP	22.30.390
Recycling - Scrap & dismantling yards	CUP	CUP					22.30.380
Small Scale Manufacturing	MUP	MUP					22.30.550
Stone & Cut Stone Products	SP(6)	SP(6)					
Structural Clay & Pottery-Related Products	SP(6)	SP(6)					
Textile Products							
Warehousing, Wholesaling & Distribution	SP(10)	SP(10)				MUP(7)	22.30.640

Note (7): Allowable use limited to personal storage ("mini-storage"), primarily serving residents in the same land use category.

**SECTION 2:** Section 22.30.640, Warehousing, of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby deleted as follows:

**22.30.640—Warehousing**

~~The standards of this Section apply to warehouse uses in the Residential Multi Family land use category.~~

~~**A. Limitation on use.** Warehousing shall be limited to mini storage facilities.~~

~~**B. Required finding.** Prior to the approval of a warehouse use, the Review Authority shall first find that the proposed storage facilities are designed primarily to serve the needs of residents in the same land use category.~~

~~**C. Development standards.** Warehouse facilities are subject to the same site design and site development standards in Article 3 as multi family dwellings, except residential density.~~

**SECTION 3:** This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

**SECTION 4:** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 5:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

**SECTION 6:** In accordance with Government Code Section 25131, after reading of the title of the ordinance, further reading of the ordinance in full is waived.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors

County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

RITA L. NEAL  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

**ATTACHMENT 3**  
**EXHIBIT LRP2014-00007:C**  
**Table O of the Coastal Zone Framework for Planning**

Amend Table O of the Coastal Zone Framework for Planning, Land Use Element and Local Coastal Program of the San Luis Obispo County General Plan, Chapter 6, page 6-31, by removing Warehousing as an "S-10" use in the Residential Multi-Family land use category as follows:

USE GROUP		PAGE NUMBER OF USE	LAND USE CATEGORY													
			Residential Single-Family	Residential Medium-Density	Residential High-Density	Residential Mobile Home	Residential Multi-Family	Residential Transient	Office	Commercial	Industrial	Public	Transportation	Recreation	Other	Unspecified
<b>II. TRANSPORTATION</b>																
Bed & Breakfast Facilities	1	6-41	S-12	S-12-P	S-12-P	S-12-P	S-12-P		S-12	S-12	S-12-P	S-12		S-12		
Homestays	5	6-48				S-12	S-12									
Hotels, Motels	2	6-48		S-12-P					S-12	S-12-P	S-12		S-12			
Recreational Vehicle Parks	3	6-55		S-12-P						S-12	S-12		S-1			
Temporary Const. Trailer Park	4	6-39	S-12	S-12		S-12						S-12				
<b>III. TRANSPORTATION</b>																
Airfields & Landing Strips	1	6-40	S-13	S-13	S-13	S-13			S-13		S-13	S-13	S-13-P			
Harbors	2	6-47											S-1-P			
Marine Terminals & Piers	3	6-30		S-5						S-5	S-5	S-5-P				
Pipelines & Transmission Lines	4	6-54	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-14		
Public Utility Facilities	5	6-55	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	P			
Transfer Stations & Terminals	6	6-60		S-2					S-2	S-2	S-2	A	A			
Truck Stops	7	6-60									A	A				
Vehicle & Freight Terminals	8	6-60									A	A				
Vehicle Storage	9	6-60		S-13					S-13	S-13	P	A	A			
<b>IV. WHOLESALE TRADE</b>																
Warehousing	1	6-60	S-19	S-19					<del>S-10</del>		P	A	A			
Wholesaling & Distribution	2	6-61	S-19	S-19							P	A				

**ATTACHMENT 4**  
**EXHIBIT LRP2014-00007:D**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE SAN LUIS OBISPO COUNTY COASTAL ZONE LAND USE  
ORDINANCE, TITLE 23 OF THE COUNTY CODE, RELATIVE TO MINI-STORAGE  
WAREHOUSE FACILITIES IN THE RESIDENTIAL MULTI-FAMILY LAND USE CATEGORY

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.08.402, Warehousing, of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

**23.08.402 - Warehousing:** The standards of this section apply to warehouse uses in the Agriculture and, Rural Lands and Residential Multi-Family land use categories.

- a. **Limitation on use.** ~~(1) Agriculture and Rural Lands.~~ Warehousing uses in the Agriculture and Rural Lands categories are limited to storage facilities that support approved agricultural production or processing operations conducted on the same site.
- ~~(2) Residential Multi-Family.~~ Warehousing in the Residential Multi-Family land use category is limited to mini-storage facilities.
- b. ~~Permit requirement.~~ Minor Use Permit approval when located in the Residential Multi-Family category, provided that the applicable review authority shall first find that the proposed storage facilities are designed primarily to serve the needs of apartment residents in the same land use category.
- c. ~~Development standards - Residential Multi-Family category.~~ Warehouse facilities in the Residential Multi-Family land use category are subject to the same site design and site development standards in Chapters 23.04 and 23.05 of this Title as Multi-Family Dwellings.

SECTION 2: This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

SECTION 3: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: The Local Coastal Program is intended to be carried out in a manner fully in conformity with the Coastal Act.



SECTION 5: This amendment shall become operative automatically, pursuant to 14 California Code of Regulations Section 13551(b)(1), upon the certification without any modifications to said amendments by the California Coastal Commission and upon acknowledgement by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification pursuant to 14 California Code of Regulations Section 13544. In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code Section 65350 et seq., before final local government adoption of the amendments with modifications suggested by the Coastal Commission pursuant to 14 California Code of Regulations Section 13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Sections 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

SECTION 6: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 7: In accordance with Government Code Section 25131, after reading of the title of the ordinance, further reading of the ordinance in full is waived.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

RITA L. NEAL  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_ Page 2 of 2

1/22/15 PC Item 4

**GLICK & HAUPT LLP**

ATTORNEYS AT LAW

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FREDERICK K. GLICK  
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January 14, 2015

Via U.S. Mail

James A. Bergman, Director  
San Luis Obispo County Planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408

**Re: County File No. LRP2014-00007/Hearing Scheduled January 22, 2015**

Director Bergman,

I am submitting this letter on behalf of my client, David Sansone, in response to County Planning Staff's recommended changes to the Land Use Ordinance, Coastal Land Use Ordinance and Table "O" of the Coastal Framework for Planning to remove mini-warehouse storage facilities as an allowable use in the Residential-Multi-Family ("RMF") land use category.

As you are no doubt aware, Mr. Sansone has been attempting to process an application for a mini-warehouse storage facility for his RMF zoned property in San Simeon. He has owned the property for over thirty years but has not been able to do anything with the property due to the water shortage and resulting twenty-eight year building moratorium in San Simeon. The water shortage and building moratorium likely will continue for many years. The only viable economic use that he can make of the property is a mini-warehouse storage facility. With this in mind, Mr. Sansone started the application process close to a year ago. The application process has been delayed as well as frustrating on many levels. Now Staff is apparently capitalizing on those delays by proposing to eliminate mini-warehouse storage units as an allowable use in the RMF land use category.

With respect to the San Simeon planning area and surrounding planning areas (Cambria, Harmony and Cayucos), Staff's recommended change is not supported by sufficient facts. Indeed the evidence suggests that the recommended change will make a bad situation much worse. In support of this conclusion are the following facts:

- A. Zoning in San Simeon with the recommended change would preclude any mini-warehouse storage units from being built. There presently are only three land use categories in San Simeon and they are as follows:

James A. Bergman  
January 13, 2015  
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1. PF (Public Facilities)-This zoning designation is fully developed with the District office and sewage treatment facility.
  2. CR (Commercial)-This zoning is located along the highway frontage road which clearly is not suitable for mini-warehouse storage facilities.
  3. RMF-This zoning category covers the rest of the San Simeon area.
- B. Presently there are no mini-warehouse storage units in the San Simeon area and Harmony areas and the units located in Cambria are full with an extensive waiting list. Since so much of San Simeon is designated RMF with virtually the rest of the zoning designated commercial it is not only logical for a mini-warehouse storage facility to be an allowable use in the RMF zone but required to service the needs of the various businesses and extensive multifamily housing where on-site storage is extremely limited. The figures we were able to gather suggest the following:
1. San Simeon has a population of 462 but, more importantly, all of the population lives in RMF zoning. There are no mini-warehouse storage units in this area. Realistically the closest mini-warehouse storage facility is Morro Bay since the limited units available in Cambria and Cayucos are full and have waiting lists. San Simeon residents will have to drive almost thirty miles to find storage facilities.
  2. Cambria has a population of 6,032 and approximately 193 multifamily housing units. The only storage units available in Cambria are full with a waiting list.
  3. Cayucos, Cambria and San Simeon combined have approximately 1542 businesses. These businesses also have a need for storage facilities which do not require having to drive 20 to 30 miles.

We understand both Staff and the Board of Supervisors wanting to promote affordable housing options. Mr. Sansone believes that such an objective is commendable and he would like nothing better than to develop his property with affordable multi-family units. This, however, is not possible and will not be possible for many years into the future in the San Simeon area. Even if it were possible to develop multi-family housing in the San Simeon area, by doing so you also create a need for storage which you will be eliminating with this proposed change. Mr. Sansone recognizes that mini-warehouse storage is an interim use. He has and will agree to remove any storage units within two years of sufficient water service becoming available to his property to build multi-family units.

James A. Bergman  
January 13, 2015  
Page 3 of 3

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Based on the foregoing we request that Staff along with the San Luis Obispo Planning Commission and Board of Supervisors provide for an exemption from the proposed ordinance for parcels APN 013-071-23, APN 013-071-024 and APN 013-071-025 which are located in the North Coast Planning area that includes San Simeon.

Thank you for your time and consideration of our request.

Sincerely yours,

**GLICK & HAUPT LLP**



Fred K. Glick

FKG/aw

cc: Client (*via e-mail only*)  
Gary Swanger (*via e-mail only*)  
Chris Macek , Department Secretary  
San Luis Obispo Board Of Supervisors (*Frank Mecham, Bruce Gibson, Adam Hill, Caren Ray, Debbie Arnold*)  
San Luis Obispo Planning Commission (*Jim Irving, Ken Topping, Eric Meyer, Tim Murphy, Don Campbell*)

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A REAL PROPERTY CONCERN  
*Specializing in Water Neutral Development*

San Luis Obispo County Planning and Building Department  
County Government Center, Room 200  
San Luis Obispo, CA 93408  
Attention: Jay Johnson

January 14, 2015

**RE: LRP2014-00007 Amendment to Co. Land Use Ordinance  
-Title 22/23 and Table "O"**

Dear Mr. Johnson,

The above referenced matter will be considered at the regular meeting of the Planning Commission on January 22, 2015. Please be aware, that I oppose the amendment as proposed. The amendment is overly broad and has unintended consequences for a certain class of properties and will render them legal non-conforming.

I support retaining the existing Special Use status for development of mini-storage facilities in the Residential Multiple Family (RMF) category. Additional requirements could be established to better guide development of individual parcels. The required level of processing for mini-storage in the RMF category could also be elevated to a Development Plan requiring Planning Commission approval.

**Staff Proposed Amendment**

Amendments to Remove Mini-Storage Facilities as an Allowable Use in the Residential Multi-Family Land Use Category (1) The following proposed amendments re in response to a program from the 2009 - 2014 Housing Element. Program HE1.G, which outlined several potential revisions to residential development standards, included the following statement in its description: This program would also include the prohibition of mini-storages in the Residential Multi - Family land use category.

In June 2014, the Board of Supervisors adopted the 2014 - 2019 Housing Element update, and removed the above statement from the program (now Program HE1.F) in anticipation of these proposed amendments occurring. The amendments shown on the following pages would be required to prohibit new mini-storage facilities in the Residential Multi - Family I and use category. For the Inland portion of the County that would include amending Table 2 - 2 (the table of allowable uses), and deleting Section 22.30.640 of the Land Use Ordinance, Title 22 of the County Code. For the Coastal Zone portion of the County that would include amending Table O (the Coastal Zone table of allowable uses) of Coastal Zone Land Use Element -

**P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 [jhedwardscompany@gmail.com](mailto:jhedwardscompany@gmail.com)  
ACQUISITION MARKETING LAND USE REDEVELOPMENT**

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A REAL PROPERTY CONCERN  
*Specializing in Water Neutral Development*

**Framework for Planning, and amending Section 23.08.402 – Warehousing of the Coastal Zone Land Use Ordinance, Title 23 of the County Code**

Mini – storage facilities would remain allowable the Commercial Service, Industrial and Public Facilities land use categories. Existing, legally established, mini – storage facilities in the RMF category would continue to operate as legal non - conforming uses.

I respectfully submit the proposed amendment could, if modified, address the goals of the Housing Element and not be as disruptive as it may be in its present form.

**Current Special Use**

**23.08.402 - Warehousing:**

The standards of this section apply to warehouse uses in the Agriculture and, Rural Lands and Residential Multi-Family land use categories.

**a. Limitation on use.**

- (1) Agriculture and Rural Lands. Warehousing uses in the Agriculture and Rural Lands categories are limited to storage facilities that support approved agricultural production or processing operations conducted on the same site.
- (2) Residential Multi-Family. Warehousing in the Residential Multi-Family land use category is limited to mini-storage facilities.

**b. Permit requirement**

Minor Use Permit approval when located in the Residential Multi-Family category, provided that the applicable review authority shall first find that the proposed storage facilities are designed primarily to serve the needs of apartment residents in the same land use category.

Development standards - Residential Multi-Family category.  
Warehouse facilities in the Residential Multi-Family land use category are subject to the same site design and site development standards in Chapters 23.04 and 23.05 of this Title as Multi-Family Dwellings.

**No Prohibition-Do not modify Table “O” to prohibit mini-storage uses**

There are certain situations where the development of an existing RMF site with residential uses could conflict with surrounding land uses.

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ACQUISITION MARKETING LAND USE REDEVELOPMENT

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Please consider the following two examples of neighborhood incompatibility.

1. Tract 2424- proposed as a multi-family project on RMF property in Oceano. Ag Commissioners office recommended against siting of residential uses adjacent to existing agriculture. Concerns about compatibility included noise, dust and pesticide drift. The project was approved with mini-storage allowed between the ag uses and some new residential.
2. DRC2014-00032 – a pending mini-storage project on RMF property in Los Osos. This parcel is adjacent to the Los Osos Community Services District corporation yard with uses including, wells, water blending, nitrogen removal and a backup power generator for the Los Osos Wastewater Project.

The question of compatibility should be considered on a case-by-case basis through the County development review process. Exceptions allowing mini-storage development in an RMF category should be provided where it can be demonstrated potential incompatibility may result from new residential development.

**Advisory Councils**

I am aware of two advisory council's that considered the subject amendment referral, the Oceano Advisory Council considered the item on November 17, 2014 and Los Osos Community Advisory Council on December 18, 2014. Each council maintains significant concerns about the amendment proposal.

**Availability of Land**

In many cases, RMF projects are not feasible due to reasons beyond the question of land availability. Water and sewer service are key limiting factors in many cases. In Los Osos for example, there is a significant amount of unimproved RMF property, however due to water resource limitations, it is not possible to construct new residential development for the foreseeable future. Consequently, any changes contemplated by the proposed amendment should consider an exception and allow mini-storage development on RMF land in cases where there are resource limitations. In the case of Los Osos, there are many available vacant RMF parcels ranging in size from 50'x125' infill lots to 8+ acre parcels.

**No Takings Analysis**

The proposed amendment would render all existing, legally established, ministorage facilities in the RMF category as legal non-conforming uses. In the event of a partial or total loss/destruction of an existing facility, under the current proposal, the improvements may not be allowed to be rebuilt. The amendment as proposed will

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ACQUISITION MARKETING LAND USE REDEVELOPMENT

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likely reduce the value of existing facilities and could affect existing financing. Moreover, it may be difficult, if not impossible, to secure new financing for the acquisition of an existing mini-storage complex. Refinancing of an existing debt may also be frustrated accordingly. Retaining the Special Use status in Table O would obviate the need to perform a Takings Analysis.

**Notice**

An important question is, whether, or not, the owners of existing mini-storage facilities that would become legal non-conforming have been properly noticed of the proposed amendment. Given this is a limited class of properties it is feasible to accomplish. Individual owners may want to consult with their lenders, as applicable. In Los Osos, I am aware that five of the six existing mini-storage facilities would be affected.

**Findings**

Finding number 1 asserts that this amendment, if adopted, will lessen competition for land in the RMF category for non-residential uses. There is no substantial evidence to support this assertion. Additionally, Finding number 4 allows the continued operation of the existing mini-storage facilities as legal non-conforming uses but fails to consider the unintended consequences to the value of existing facilities.

**Conclusion**

Thank you for the opportunity to comment on the proposed amendment. In terms of a cost benefit analysis, I respectfully submit the costs of proceeding with the proposed amendment greatly outweigh the benefits that may accrue to the expansion of housing opportunities in the county.

If changes are contemplated, I recommend exceptions to allow mini-storage development in RMF category under certain circumstances. Elevating the level of processing may also be another way to critically review individual proposals. Finally, the issue of a regulatory taking and the related constitutional issues can be completely avoided by retaining mini-storage in an RMF category as a Special Use in Table O.

Sincerely,

*Jeff Edwards*  
Jeff Edwards

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ACQUISITION MARKETING LAND USE REDEVELOPMENT



**22.30.640 - Warehousing**

The standards of this Section apply to warehouse uses in the Residential Multi-Family land use category.

**A. Limitation on use.** Warehousing shall be limited to mini-storage facilities.

**B. Permit Requirement.** Minor Use Permit approval is required for mini-storage facilities in the Residential Multi-Family land use category, except where a Conditional Use Permit is otherwise required by this Title.

**1. Required findings.** Prior to the approval of a warehouse use, the Review Authority shall first find that A land use permit may be approved only where the Review Authority makes the following findings in addition to those required by Section 22.62.060.C.4:

- a. The proposed storage facilities are designed primarily to serve the needs of residents in the same land use category;
- b. That residential development is entirely precluded on the site due to:
  - (1) Land use conflicts with existing land uses adjacent to the site, or
  - (2) Any agricultural buffers required by the provisions of the Agriculture Element of the General Plan, or
  - (3) Limitations on urban services, including but not limited to water or wastewater service, where the service provider cannot, within a reasonable timeframe, serve residential development. (This finding does not preclude the applicant from obtaining any required approvals for necessary urban services for the proposed mini-storage facility.)

**2. Development standards.** Warehouse facilities are subject to the same site design and site development standards in Article 3 as multi-family dwellings, except residential density.

PLANNING COMMISSION

AGENDA ITEM: 4  
DATE: 1/22/15

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